

MEMO ENDORSED

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April 30, 2008

Via Fax (212) 805-7912 and ECF

Honorable John G. Koeltl
United States District Court Judge
Southern District of New York
United States Courthouse
500 Pearl St., Room 1030
New York, NY 10007

A Rule 60(b) motion has its own time limits. See Rule 60(c); see also Rule 6.(b)(2). The Court will assess the timeliness and merit of such a motion if it is filed but there is no basis at this time for extending the time to make such a motion.

**Re: Marie C. Joseph v. Terrence Cardinal Cooke Health Care Center et al.
Docket No.: 07 Civ. 9325 (JGK)**

Your Honor:

*so ordered.
JGK/dkt
5/2/08 U.S.D.J.*

We are newly retained counsel for the plaintiff, Marie C. Joseph. A Notice of Appearance has been filed with the Court through ECF. Submitted herewith is a Consent to Change Attorneys executed by the client, outgoing counsel and the undersigned. Inasmuch as all interested parties consent to this substitution of counsel, we respectfully request that Your Honor so-order this stipulation so that it may be accepted for filing by the Southern District Clerk.

We additionally write to request an extension of time to serve and file a Rule 60(b) motion for reconsideration of the Court's April 1, 2008 Memorandum Opinion and Order granting defendants' motion to dismiss. We were retained by Ms. Joseph subsequent to the expiration of the ten-day time limit to submit a motion for reconsideration established by Local Rule 6.3.

Inasmuch as FRCP 60(c) affords a reasonable time not exceeding one year for a party to move for reconsideration, plaintiff respectfully submits that the retention of new counsel constitutes good cause for granting the requested extension. Plaintiff therefore requests that the Court extend plaintiff's time to serve and file a motion for

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reconsideration until May 12, 2008 or ten (10) days from Your Honor's ruling on this application, whichever is later.

Your Honor's most favorable consideration of this application is greatly appreciated.

Respectfully submitted,



Steven Seltzer (SS 9023)

SS

Cc (via fax and ECF):

David Prager, Esq.
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